

AMENDED IN ASSEMBLY APRIL 13, 2009

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 132

**Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Huffman)**

January 20, 2009

An act to add Article 6 (commencing with Section 32297) to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as amended, Mendoza. School safety: immigration investigations.

~~(1) Existing~~

Existing law recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. Existing law establishes various safety programs and procedures to address issues relating to school safety.

~~This bill would state the Legislature's request that prior to appearing at a school site or entering a school for the purpose of conducting any investigative activity relating to immigration, immigration agents contact the school or district office and, if applicable, arrange an appropriate time to meet with a pupil. The bill would require school officials to request immigration agents to adhere to certain procedures prior to, during, and after any meetings with pupils for the purpose of conducting any investigative activities relating to immigration. Because the bill~~

would require school officials to perform additional duties, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would provide that it is the policy of the state that immigration agents should not interfere with the education of pupils in school. The bill would specify, however, that this policy not impede or restrict any lawful authority of immigration agents. The bill would, to the extent permissible under federal law, require schools to not collect information or documents or inquire about the immigration status of pupils or their family members. The bill would, if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil encourage the school to comply with certain procedures relating to procuring child care for the pupil. The bill also would encourage schools to provide counseling services for pupils affected by enforcement activities of immigration agents, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that under
2 law, children are entitled to a public education while in California,
3 regardless of immigration status, and that California schools
4 should take steps to protect the integrity of their learning
5 environments for all children.

6 SEC. 2. Article 6 (commencing with Section 32297) is added
7 to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the Education
8 Code, to read:

9

10 Article 6. Immigration Investigations

11

12 32297. (a) It is the policy of the state that immigration agents
13 should not interfere with the education of pupils in school.

1 *However, nothing in this subdivision shall be construed to impede*
2 *or restrict any lawful authority of immigration agents.*

3 *(b) To the extent permissible under federal law, schools shall*
4 *not collect information or documents or inquire about the*
5 *immigration status of pupils or their family members.*

6 *(c) If an employee of a school is aware that a pupil's parent or*
7 *guardian is not available to care for the pupil, the school is*
8 *encouraged to first comply with any parental instruction specific*
9 *to that situation. If there is no parental instruction, the school is*
10 *encouraged to exhaust the emergency contact information it has*
11 *for the pupil to arrange for the pupil's care and is encouraged to*
12 *contact Child Protective Services to arrange for the pupil's care*
13 *only if the school is unable to arrange for care through the use of*
14 *emergency contact information, or other information or*
15 *instructions provided by the parent or guardian.*

16 *(d) Schools are encouraged to provide appropriate counseling*
17 *for pupils who may be affected by enforcement activities of*
18 *immigration agents that occur at the pupil's home, in a pupil's*
19 *community, or at a parent's or guardian's place of employment.*

20 ~~SECTION 1. Article 6 (commencing with Section 32297) is~~
21 ~~added to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the~~
22 ~~Education Code, to read:~~

23
24 ~~Article 6. Immigration Investigations~~
25

26 ~~32297. The Legislature finds and declares that pupils are~~
27 ~~entitled to public education while in the United States of America,~~
28 ~~regardless of immigration status. The Legislature further finds and~~
29 ~~declares that immigration agents should not be impeded in their~~
30 ~~work to maintain public safety. Immigration agents are requested,~~
31 ~~however, to follow the procedures described in this section while~~
32 ~~conducting investigative activities at schools relating to~~
33 ~~immigration.~~

34 ~~(a) Prior to appearing at a schoolsite or entering a school,~~
35 ~~immigration agents are requested to contact the school or district~~
36 ~~office and, if applicable, to arrange an appropriate time to meet~~
37 ~~with a pupil.~~

38 ~~(b) When immigration agents enter a school, school officials~~
39 ~~shall request the agents to first meet with the principal to discuss~~
40 ~~the nature of the visit.~~

1 ~~(e) School officials shall request that immigration agents neither~~
2 ~~enter a classroom while instruction is taking place, nor remove a~~
3 ~~pupil from his or her classroom, except as necessary for public~~
4 ~~safety.~~

5 ~~(d) School officials shall request immigration agents, during~~
6 ~~any meetings with a pupil, to allow the pupil's parent or guardian~~
7 ~~or appropriate school personnel to be present.~~

8 ~~(e) Schools are encouraged to immediately contact the regional~~
9 ~~office of United States Immigration and Customs Enforcement to~~
10 ~~alert the office of the arrival of any immigration agents.~~

11 ~~(f) To the extent permissible under federal law, schools shall~~
12 ~~maintain the name and contact information of a person responsible~~
13 ~~for each pupil in the event that a pupil's parent or guardian is taken~~
14 ~~into custody by immigration agents.~~

15 ~~(g) Schools are encouraged to provide appropriate counseling~~
16 ~~services for each pupil who may be affected by immigration~~
17 ~~investigations at his or her school, home, or parent's or guardian's~~
18 ~~place of employment.~~

19 ~~(h) Nothing in this section shall be construed to restrict or~~
20 ~~impede any lawful authority of immigration agents.~~

21 ~~SEC. 2. If the Commission on State Mandates determines that~~
22 ~~this act contains costs mandated by the state, reimbursement to~~
23 ~~local agencies and school districts for those costs shall be made~~
24 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
25 ~~4 of Title 2 of the Government Code.~~